PATENT

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William R. Allen

William R. Allen, Reg. No. 48,389

4 February 2004

Date

Applicant:	Joseph P. Yock	Confirmation No.: 8714
Serial No:	10/646,148	
Filing Date:	August 22, 2003	
Art Unit:	3721	
Examiner:	Unknown	
Title:	CONSUMER PRODUCT PACKAGE AND METHOD OF MANUFACTURE	
Atty Docket:	RWZ-75U	

Cincinnati, Ohio 45202 February 4, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Sir:

Applicant in the above-identified patent application hereby petitions the U.S. Patent and Trademark Office to make this application special under 37 C.F.R. § 1.102(d). The above-identified patent application has not received any examination by an examiner at the U.S. Patent and Trademark Office. Applicant transmitted a Preliminary Amendment by facsimile on February 2, 2004 in which the Applicant amended the above-identified patent application to present claims directed to a single invention.

Applicant's undersigned representative conducted a careful and thorough pre-examination search at the U.S. Patent and Trademark Office. More specifically, Applicant's undersigned representative performed electronic keyword searches of the patent and pre-grant published patent application databases in class 40, class 283, class 206, class 229 and subclass 914 in class 428. An Information Disclosure Statement, as well as a copy of each reference deemed most closely related to the subject matter encompassed by the claims, is being filed with this petition.

U.S. Patent No. 4,306,367 (Otto) discloses containers made from laminated web packaging material suitably constructed so as to enable a selected area of one ply of the material to be readily peeled from or delaminated with respect to the other ply of the material by the consumer or ultimate purchaser of the products so packaged without significantly affecting the integrity of the container structurally. The selected area may contain a decorative image printed in sublimation ink so as to be transferable to another article by application of suitable heat and pressure. However, Applicant's claimed subject matter is patentable over the '367 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink.

U.S. Patent No. 4,308,679 (Ray, III et al.) discloses a laminated container or package having a heat transferable image or iron-on as a readily detachable portion or section of an outer ply or wall of the package, preferably in the form of an easily removable panel. The '679 patent describes, at column 1, lines 39-41, that a heat transferable image may be printed on an exterior surface of a container. However, Applicant's claimed subject matter is patentable over the '679 patent for a number of reasons, including the fact that this reference does not teach

or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink.

U.S. Patent No. 4,324,823 (Ray) discloses containers made from laminated packaging material of this character which are so constructed as to enable a selected area of the outer ply of the material to be readily peeled from or separated with respect to an underlying ply of the material, by the consumer or ultimate purchaser of the product so packaged, without significantly affecting the structural integrity of the container. The selected area may contain a decorative image printed in sublimation ink so as to be transferable to another article by application of suitable heat and pressure. However, Applicant's claimed subject matter is patentable over the '823 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink.

U.S. Patent No. 6,594,927 (Witkowski) and U.S. Published Application No. 2003/0217489 (Witkowski) each disclose a method for the application of collectible or play premiums which are positioned on labels or wrappers for consumer packaging. Sublimation dyes can be used to print an image in reverse on the back surface of the label. Applicant's claimed subject matter is patentable over these references for a number of reasons, including the fact that they do not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink. Moreover, these references do not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Patent No. 6,367,178 (Chmiel) discloses proof-of-entry devices, such as tickets or badges, designed so as to function as a souvenir for the purchaser. To enhance its

value as a souvenir, an image on the device can be printed with printing materials that are heat-transferred to light colored fabric, such as a tee shirt, at a later time using an ordinary laundry iron. Applicant's claimed subject matter is patentable over the '178 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Patent No. 6,413,617 (Schlier) discloses an informational card having a plurality of separable elements or features, such as an embroidered patch and a heat transfer, that may each be removed from such card and applied to a consumer article either independently of, or in conjunction with each other. Applicant's claimed subject matter is patentable over the '617 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Patent No. 4,104,816 (Pingeton) discloses a multi-function label and carrier web that combines the concepts of a pressure sensitive adhesive label, a carrier web, and heat transferrable indicia into a single assembly. The carrier web performs the two-fold function of a carrier for a label having a pressure sensitive adhesive on one face and as a carrier for heat transferrable indicia. Applicant's claimed subject matter is patentable over the '816 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing

ink. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Published Application No. 2002/0008381 (Hare) discloses greeting cards having an image transfer material that is either pre-printed with an image or has an image subsequently added to the image transfer material. If the transfer material contains only a support and an image, the image is not formed using a transferable ink. Applicant's claimed subject matter is patentable over this published patent application for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Patent No. 6,312,122 (Brown et al.) discloses a printing method including the steps of depositing an ink comprising a thermal transfer dye, a thermal transfer pigment and/or a protective polymer, and a carrier on a membrane, placing the membrane in juxtaposition to the surface of a substrate, and applying heat and pressure to produce a high quality color control image on the substrate. Applicant's claimed subject matter is patentable over the '122 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Patent No. 5,874,196 (Chapman et al.) discloses use of a mixture of dyes in a cyan dye-donor element for thermal dye transfer imaging which is used to obtain a color proof that accurately represents the hue of a printed color image obtained from a printing press.

Applicant's claimed subject matter is patentable over the '196 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Patent No. 5,554,213 (Radigan, Jr. et al.) discloses ink compositions for ink jet printing in which the colorant can be a pigment, or a mixture of one or more dyes and/or one or more pigments. Applicant's claimed subject matter is patentable over the '213 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink or printing such an image on a product package. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

U.S. Patent No. 5,555,008 (Stoffel et al.) discloses a method of making printed elements having reduced color bleed and improved color. Suitable aqueous cationic and anionic inks have an aqueous carrier medium and contain a colorant, which may be a pigment or a dye, or combinations thereof. Applicant's claimed subject matter is patentable over the '008 patent for a number of reasons, including the fact that this reference does not teach or suggest a heat transferable image overlaid with a visible image containing a pigment characteristic of a printing ink or printing such an image on a product package. Moreover, this reference does not teach a foldable blank that forms a product package when folded, wherein a panel of the blank bears a heat transferrable image.

Applicant does not believe that any fees are due in connection with this submission, other than the fee under 37 CFR 1.17(h). However, if such petition is due or any additional fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

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